

FILED NOV 14 2016

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DONALD FLYNN, : CIVIL ACTION  
Petitioner, :  
v. :  
JOHN E. WETZEL, et al., :  
Respondents. : No. 13-3212

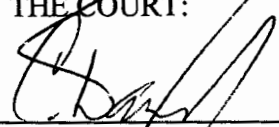
**ORDER**

**C. DARNELL JONES, J.**

AND NOW, this 14<sup>th</sup> day of November, 2016, upon careful and independent consideration of the petition for a writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. Petitioner's petition for a writ of habeas corpus (doc. 3) is STAYED and held in ABEYANCE until the conclusion of Petitioner's state court proceedings.
3. Petitioner shall return to federal court within thirty days following the conclusion of his state court proceedings. If Petitioner does not return to federal court within that time, this stay and abeyance order will be vacated and his petition will be denied without prejudice.
4. Petitioner's motion to correct and for modification of an illegal sentence (doc. 16) is DENIED without prejudice.
5. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

  
C. DARNELL JONES  
U.S. DISTRICT COURT JUDGE

ENTERED

NOV 15 2016

CLERK OF COURT